

COMMITTEE ON GOVERNMENT

SENATE AMENDMENTS TO S.B. 1387

(Reference to printed bill)

Page 1, lines 6 and 7, strike "THE SENSITIVE ELECTRONIC TESTING RANGE OF A MILITARY
BASE" insert "A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY
ELECTRONICS RANGE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO
SECTION 37-102"

Line 8, strike "RECEIVED" insert "DEEMED COMPLETE"

Line 9, strike "SENSITIVE ELECTRONIC TESTING" insert "MILITARY ELECTRONICS"

Strike lines 18 through 31, insert:

"B. IF THE BASE CHOOSES TO MAKE OFFICIAL COMMENTS ON THE PROPOSED LAND
USE CHANGE, THOSE COMMENTS SHALL BE MADE IN WRITING AND RECEIVED BY THE CITY
OR TOWN SEVEN DAYS BEFORE THE FIRST PUBLIC HEARING ON THE PROPOSED LAND USE
CHANGE. IF THE BASE CHOOSES NOT TO SUBMIT OFFICIAL COMMENTS, THE CITY OR
TOWN SHALL NOTE AT THE PUBLIC HEARING ON THE PROPOSED LAND USE CHANGE THAT
THE BASE HAS NO OBJECTION TO THE PROPOSED LAND USE CHANGE.

C. THE CITY OR TOWN SHALL PROVIDE NOTICE TO THE OFFICE OF THE BASE
COMMANDER PURSUANT TO THIS SECTION BY PROVIDING A COPY OF THE APPLICATION AND
THE RELEVANT DOCUMENTATION THAT IS NECESSARY TO ADEQUATELY DESCRIBE THE
PROPOSED LAND USE CHANGE AS IT RELATES TO THE MILITARY OPERATIONS AT THE
BASE. THIS DOCUMENTATION SHALL INCLUDE A BASIC OUTLINE OF THE PROCEDURES THE
CITY OR TOWN USES WHEN PROCESSING LAND USE CHANGE APPLICATIONS AND DEADLINES
FOR SUBMITTING OFFICIAL COMMENTS.

D. THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW OR REQUIRE A CITY OR
TOWN TO DENY ANY USE OR OCCUPANCY PERMIT, BUILDING PERMIT, ZONING APPROVAL OR
ANY OTHER PERMIT, APPROVAL OR OTHER AUTHORIZATION BASED ON THE EXISTENCE OF
THE MILITARY ELECTRONICS RANGE OR ITS PROXIMITY TO A PARCEL OF REAL ESTATE.

E. FOR THE PURPOSES OF THIS SECTION, "MILITARY ELECTRONICS RANGE"
MEANS THE GEOGRAPHICALLY DEFINED AREA IN WHICH ELECTRONIC COMMUNICATION,
MONITORING OR OTHER DEVICES ARE ROUTINELY TESTED AS A PART OF THE MILITARY
MISSION OF A MILITARY BASE."

Page 1, lines 36 and 37, strike "THE SENSITIVE ELECTRONIC TESTING RANGE OF A
MILITARY BASE" insert "A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE
MILITARY ELECTRONICS RANGE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT
TO SECTION 37-102"

Line 39, strike "SENSITIVE ELECTRONIC TESTING" insert "MILITARY ELECTRONICS"

Page 2, strike lines 4 through 30, insert:

"B. IF THE BASE CHOOSES TO MAKE OFFICIAL COMMENTS ON THE PROPOSED LAND
USE CHANGE, THOSE COMMENTS SHALL BE MADE IN WRITING AND RECEIVED BY THE
COUNTY SEVEN DAYS BEFORE THE FIRST PUBLIC HEARING ON THE PROPOSED LAND USE
CHANGE. IF THE BASE CHOOSES NOT TO SUBMIT OFFICIAL COMMENTS, THE COUNTY
SHALL NOTE AT THE PUBLIC HEARING ON THE PROPOSED LAND USE CHANGE THAT THE
BASE HAS NO OBJECTION TO THE PROPOSED LAND USE CHANGE.

C. THE COUNTY SHALL PROVIDE NOTICE TO THE OFFICE OF THE BASE COMMANDER
PURSUANT TO THIS SECTION BY PROVIDING A COPY OF THE APPLICATION AND THE
RELEVANT DOCUMENTATION THAT IS NECESSARY TO ADEQUATELY DESCRIBE THE PROPOSED
LAND USE CHANGE AS IT RELATES TO THE MILITARY OPERATIONS AT THE BASE. THIS
DOCUMENTATION SHALL INCLUDE A BASIC OUTLINE OF THE PROCEDURES THE COUNTY USES
WHEN PROCESSING LAND USE CHANGE APPLICATIONS AND DEADLINES FOR SUBMITTING
OFFICIAL COMMENTS.

D. THIS SECTION SHALL NOT BE CONSTRUED TO ALLOW OR REQUIRE A COUNTY TO
DENY ANY USE OR OCCUPANCY PERMIT, BUILDING PERMIT, ZONING APPROVAL OR ANY
OTHER PERMIT, APPROVAL OR OTHER AUTHORIZATION BASED ON THE EXISTENCE OF THE
MILITARY ELECTRONICS RANGE OR ITS PROXIMITY TO A PARCEL OF REAL ESTATE.

E. FOR THE PURPOSES OF THIS SECTION, "MILITARY ELECTRONICS RANGE"
MEANS THE GEOGRAPHICALLY DEFINED AREA IN WHICH ELECTRONIC COMMUNICATION,
MONITORING OR OTHER DEVICES ARE ROUTINELY TESTED AS A PART OF THE MILITARY
MISSION OF A MILITARY BASE.

Sec. 3. Title 32, chapter 20, article 1, Arizona Revised Statutes, is
amended by adding section 32-2114.01, to read:

32-2114.01. Military electronics range

A. THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE OFFICE OF THE
COUNTY RECORDER IN EACH COUNTY IN THIS STATE THAT INCLUDES A MILITARY

1 ELECTRONICS RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE MAP
2 PREPARED BY THE STATE LAND DEPARTMENT PURSUANT TO SECTION 37-102 A DOCUMENT
3 THAT APPLIES TO LAND CONTAINED IN A MILITARY ELECTRONICS RANGE AND THAT
4 DISCLOSES THAT THE LAND IS CONTAINED IN A MILITARY ELECTRONICS RANGE.

5 B. IF A MILITARY ELECTRONICS RANGE CHANGES AND PERSONS WHO WERE
6 NOTIFIED PURSUANT TO SUBSECTION A OF THIS SECTION NO LONGER HAVE PROPERTY
7 CONTAINED IN A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY
8 ELECTRONICS RANGE MAP, THE COMMISSIONER SHALL EXECUTE AND RECORD IN THE
9 OFFICE OF THE COUNTY RECORDER IN THE COUNTY IN WHICH THE PROPERTY IS LOCATED
10 A DOCUMENT DISCLOSING THAT THE LAND IS NOT CONTAINED IN A MILITARY
11 ELECTRONICS RANGE.

12 C. THE ATTORNEY GENERAL SHALL PREPARE IN RECORDABLE FORM THE DOCUMENTS
13 THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER PURSUANT TO THIS SECTION.

14 D. THE DOCUMENTS THAT ARE EXECUTED AND RECORDED BY THE COMMISSIONER
15 PURSUANT TO THIS SECTION SHALL INCLUDE A GEOSPATIAL DESCRIPTION OF THE
16 MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE
17 MAP.

18 Sec. 4. Section 32-2115, Arizona Revised Statutes, is amended to read:

19 32-2115. Department's website; military training route map;
20 restricted air space map; military electronics
21 range map

22 The department shall post on its ~~web-site~~ WEBSITE THE FOLLOWING MAPS
23 PREPARED BY THE STATE LAND DEPARTMENT AS PRESCRIBED BY LAW:

- 24 1. The military training route map. ~~and~~
25 2. The restricted air space map ~~prepared by the state land department~~
26 ~~pursuant to section 37-102.~~

27 3. THE MILITARY ELECTRONICS RANGE OF A MILITARY BASE.

28 Sec. 5. Section 32-2183, Arizona Revised Statutes, is amended to read:

32-2183. Subdivision public reports; denial of issuance;
unlawful sales; voidable sale or lease; order
prohibiting sale or lease; investigations; hearings;
summary orders

A. Upon examination of a subdivision, the commissioner, unless there are grounds for denial, shall issue to the subdivider a public report authorizing the sale or lease in this state of the lots, parcels or fractional interests within the subdivision. The report shall contain the data obtained in accordance with section 32-2181 and any other information which the commissioner determines is necessary to implement the purposes of this article. If any of the lots, parcels or fractional interests within the subdivision are located within territory in the vicinity of a military airport or ancillary military facility as defined in section 28-8461, under a military training route as delineated in the military training route map prepared pursuant to section 37-102, ~~or~~ under restricted air space as delineated in the restricted air space map prepared pursuant to section 37-102 OR CONTAINED IN THE MILITARY ELECTRONICS RANGE AS DELINEATED IN THE MILITARY ELECTRONICS RANGE MAP PREPARED PURSUANT TO SECTION 37-102, the report shall include, in bold twelve point font block letters on the first page of the report, the statements required pursuant to section 28-8484, subsection A, section 32-2183.05 or section 32-2183.06 and, if the department has been provided a map prepared pursuant to section 28-8484, subsection B or section 37-102, the report shall include a copy of the map. The military airport report requirements do not require the amendment or reissuance of any public report issued on or before December 31, 2001 or on or before December 31 of the year in which the lots, parcels or fractional interests within a subdivision become territory in the vicinity of a military airport or ancillary military facility. The military training route report requirements do not require the amendment or reissuance of any public report issued on or before December 31, 2004. The restricted air space report requirements do not require the amendment or reissuance of any public report issued on or before December 31, 2006. THE MILITARY ELECTRONICS RANGE REPORT REQUIREMENTS

1 DO NOT REQUIRE THE AMENDMENT OR REISSUANCE OF ANY PUBLIC REPORT ISSUED ON OR
2 BEFORE DECEMBER 31, 2008. The commissioner shall require the subdivider to
3 reproduce the report, make the report available to each prospective customer
4 and furnish each buyer or lessee with a copy before the buyer or lessee signs
5 any offer to purchase or lease, taking a receipt therefor.

6 B. Notwithstanding subsection A of this section, a subdivider may
7 elect to prepare a final public report for use in the sale of improved lots
8 as defined in section 32-2101, as follows:

9 1. The subdivider shall prepare the public report and provide a copy
10 of the report to the commissioner with the submission of the notification
11 required by sections 32-2181 and 32-2184 and shall comply with all other
12 requirements of this article.

13 2. An initial filing fee of five hundred dollars or an amended filing
14 fee of two hundred fifty dollars shall accompany the notification required by
15 paragraph 1 of this subsection.

16 3. The department shall assign a registration number to each
17 notification and public report submitted pursuant to this subsection and
18 shall maintain a database of all of these submissions. The subdivider shall
19 place the number on each public report.

20 4. The department shall determine within fifteen business days after
21 the receipt of the notification and public report whether the notification
22 and public report are administratively complete. The commissioner either may
23 issue a certification that the notification and public report are
24 administratively complete or may deny issuance of the certification if it
25 appears that the application or project is not in compliance with all legal
26 requirements, that the applicant has a background of violations of state or
27 federal law or that the applicant or project presents an unnecessary risk of
28 harm to the public.

29 5. A subdivider may commence sales or leasing activities as permitted
30 under this article after obtaining a certificate of administrative
31 completeness from the commissioner.

1 6. Before or after the commissioner issues a certificate of
2 administrative completeness, the department may examine any public report,
3 subdivision or applicant that has applied for or received the
4 certificate. If the commissioner determines that the subdivider or
5 subdivision is not in compliance with any requirement of state law or that
6 grounds exist under this chapter to suspend, deny or revoke a public report,
7 the commissioner may commence an administrative action under section 32-2154
8 or 32-2157. If the subdivider immediately corrects the deficiency and comes
9 into full compliance with state law, the commissioner shall vacate any action
10 that the commissioner may have commenced pursuant to section 32-2154 or
11 32-2157.

12 7. The department shall provide forms and guidelines for the
13 submission of the notification and public report pursuant to this section.

14 C. The commissioner may suspend, revoke or deny issuance of a public
15 report on any of the following grounds:

16 1. Failure to comply with this article or the rules of the
17 commissioner pertaining to this article.

18 2. The sale or lease would constitute misrepresentation to or deceit
19 or fraud of the purchasers or lessees.

20 3. Inability to deliver title or other interest contracted for.

21 4. Inability to demonstrate that adequate financial or other
22 arrangements acceptable to the commissioner have been made for completion of
23 all streets, sewers, electric, gas and water utilities, drainage and flood
24 control facilities, community and recreational facilities and other
25 improvements included in the offering.

26 5. Failure to make a showing that the lots, parcels or fractional
27 interests can be used for the purpose for which they are offered.

28 6. The owner, agent, subdivider, officer, director or partner,
29 subdivider trust beneficiary holding ten per cent or more direct or indirect
30 beneficial interest or, if a corporation, any stockholder owning ten per cent
31 or more of the stock in the corporation has:

1 (a) Been convicted of a felony or misdemeanor involving fraud or
2 dishonesty or involving conduct of any business or a transaction in real
3 estate, cemetery property, time-share intervals or membership camping
4 campgrounds or contracts.

5 (b) Been permanently or temporarily enjoined by order, judgment or
6 decree from engaging in or continuing any conduct or practice in connection
7 with the sale or purchase of real estate or cemetery property, time-share
8 intervals, membership camping contracts or campgrounds, or securities or
9 involving consumer fraud or the racketeering laws of this state.

10 (c) Had an administrative order entered against him by a real estate
11 regulatory agency or security regulatory agency.

12 (d) Had an adverse decision or judgment entered against him involving
13 fraud or dishonesty or involving the conduct of any business or transaction
14 in real estate, cemetery property, time-share intervals or membership camping
15 campgrounds or contracts.

16 (e) Disregarded or violated this chapter or the rules of the
17 commissioner pertaining to this chapter.

18 (f) Controlled an entity to which subdivision (b), (c), (d) or (e)
19 applies.

20 7. Procurement or an attempt to procure a public report by fraud,
21 misrepresentation or deceit or by filing an application for a public report
22 that is materially false or misleading.

23 8. Failure of the declaration for a condominium created pursuant to
24 title 33, chapter 9, article 2 to comply with the requirements of section
25 33-1215 or failure of the plat for the condominium to comply with the
26 requirements of section 33-1219. The commissioner may require an applicant
27 for a public report to submit a notarized statement signed by the subdivider
28 or an engineer or attorney licensed to practice in this state certifying that
29 the condominium plat and declaration of condominium are in compliance with
30 the requirements of sections 33-1215 and 33-1219. If the notarized statement
31 is provided, the commissioner is entitled to rely on this statement.

1 9. Failure of any blanket encumbrance or valid supplementary agreement
2 executed by the holder of the blanket encumbrance to contain provisions that
3 enable the purchaser to acquire title to a lot or parcel free of the lien of
4 the blanket encumbrance, on completion of all payments and performance of all
5 of the terms and provisions required to be made or performed by the purchaser
6 under the real estate sales contract by which the purchaser has acquired the
7 lot or parcel. The subdivider shall file copies of documents acceptable to
8 the commissioner containing these provisions with the commissioner before the
9 sale of any subdivision lot or parcel subject to a blanket encumbrance.

10 10. Failure to demonstrate permanent access to the subdivision lots or
11 parcels.

12 11. The use of the lots presents an unreasonable health risk.

13 D. It is unlawful for a subdivider to sell any lot in a subdivision
14 unless one of the following occurs:

15 1. All proposed or promised subdivision improvements are completed.

16 2. The completion of all proposed or promised subdivision improvements
17 is assured by financial arrangements acceptable to the commissioner. The
18 financial arrangements may be made in phases for common community and
19 recreation facilities required by a municipality or county as a stipulation
20 for approval of a plan for a master planned community.

21 3. The municipal or county government agrees to prohibit occupancy and
22 the subdivider agrees not to close escrow for lots in the subdivision until
23 all proposed or promised subdivision improvements are completed.

24 4. The municipal or county government enters into an assurance
25 agreement with any trustee not to convey lots until improvements are
26 completed within the portion of the subdivision containing these lots, if the
27 improvements can be used and maintained separately from the improvements
28 required for the entire subdivision plat. The agreement shall be recorded in
29 the county in which the subdivision is located.

30 E. If the subdivision is within an active management area, as defined
31 in section 45-402, the commissioner shall deny issuance of a public report or
32 the use of any exemption pursuant to section 32-2181.02, subsection B unless

1 the subdivider has been issued a certificate of assured water supply by the
2 director of water resources and has paid all applicable fees pursuant to
3 sections 48-3772 and 48-3774.01, or unless the subdivider has obtained a
4 written commitment of water service for the subdivision from a city, town or
5 private water company designated as having an assured water supply by the
6 director of water resources pursuant to section 45-576 or is exempt from the
7 requirement pursuant to section 45-576.

8 F. In areas outside of active management areas, if the subdivision is
9 located in a county that has adopted the provision authorized by section
10 11-806.01, subsection F or in a city or town that has enacted an ordinance
11 pursuant to section 9-463.01, subsection 0, the commissioner shall deny
12 issuance of a public report or the use of any exemption pursuant to section
13 32-2181.02, subsection B unless one of the following applies:

14 1. The director of water resources has reported pursuant to section
15 45-108 that the subdivision has an adequate water supply.

16 2. The subdivider has obtained a written commitment of water service
17 for the subdivision from a city, town or private water company designated as
18 having an adequate water supply by the director of water resources pursuant
19 to section 45-108.

20 3. The plat was approved pursuant to an exemption authorized by
21 section 9-463.01, subsection K, pursuant to an exemption authorized by
22 section 11-806.01, subsection G, paragraph 1, pursuant to an exemption
23 granted by the director of water resources under section 45-108.02 and the
24 exemption has not expired or pursuant to an exemption granted by the director
25 of water resources under section 45-108.03.

26 4. The subdivision received final plat approval from the city, town or
27 county before the requirement for an adequate water supply became effective
28 in the city, town or county, and there have been no material changes to the
29 plat since the final plat approval. If changes were made to the plat after
30 the final plat approval, the director of water resources shall determine
31 whether the changes are material pursuant to the rules adopted by the
32 director to implement section 45-108.

1 G. A subdivider shall not sell or lease or offer for sale or lease in
2 this state any lots, parcels or fractional interests in a subdivision without
3 first obtaining a public report from the commissioner except as provided in
4 section 32-2181.01 or 32-2181.02. Unless exempt, the sale or lease of
5 subdivided lands prior to issuance of the public report or failure to deliver
6 the public report to the purchaser or lessee shall render the sale or lease
7 rescindable by the purchaser or lessee. An action by the purchaser or lessee
8 to rescind the transaction shall be brought within three years of the date of
9 execution of the purchase or lease agreement by the purchaser or lessee. In
10 any rescission action, the prevailing party is entitled to reasonable
11 attorney fees as determined by the court.

12 H. Any applicant objecting to the denial of a public report, within
13 thirty days after receipt of the order of denial, may file a written request
14 for a hearing. The commissioner shall hold the hearing within twenty days
15 after receipt of the request for a hearing unless the party requesting the
16 hearing has requested a postponement. If the hearing is not held within
17 twenty days after a request for a hearing is received, plus the period of any
18 postponement, or if a proposed decision is not rendered within forty-five
19 days after submission, the order of denial shall be rescinded and a public
20 report issued.

21 I. On the commissioner's own motion, or when the commissioner has
22 received a complaint and has satisfactory evidence that the subdivider or the
23 subdivider's agent is violating this article or the rules of the commissioner
24 or has engaged in any unlawful practice as defined in section 44-1522 with
25 respect to the sale of subdivided lands or deviated from the provisions of
26 the public report, the commissioner may investigate the subdivision project
27 and examine the books and records of the subdivider. For the purpose of
28 examination, the subdivider shall keep and maintain records of all sales
29 transactions and funds received by the subdivider pursuant to the sales
30 transactions and shall make them accessible to the commissioner upon
31 reasonable notice and demand.

1 J. On the commissioner's own motion, or when the commissioner has
2 received a complaint and has satisfactory evidence that any person has
3 violated this article or the rules of the commissioner or has engaged in any
4 unlawful practice as defined in section 44-1522 with respect to the sale of
5 subdivided lands or deviated from the provisions of the public report or
6 special order of exemption, or has been indicted for fraud or against whom an
7 information for fraud has been filed or has been convicted of a felony,
8 before or after the commissioner issues the public report as provided in
9 subsection A of this section, the commissioner may conduct an investigation
10 of the matter, issue a summary order as provided in section 32-2157, or hold
11 a public hearing and, after the hearing, may issue the order or orders the
12 commissioner deems necessary to protect the public interest and ensure
13 compliance with the law, rules or public report or the commissioner may bring
14 action in any court of competent jurisdiction against the person to enjoin
15 the person from continuing the violation or engaging in or doing any act or
16 acts in furtherance of the violation. The court may make orders or
17 judgments, including the appointment of a receiver, necessary to prevent the
18 use or employment by a person of any unlawful practices, or which may be
19 necessary to restore to any person in interest any monies or property, real
20 or personal, that may have been acquired by means of any practice in this
21 article declared to be unlawful.

22 K. When it appears to the commissioner that a person has engaged in or
23 is engaging in a practice declared to be unlawful by this article and that
24 the person is concealing assets or self or has made arrangements to conceal
25 assets or is about to leave the state, the commissioner may apply to the
26 superior court, ex parte, for an order appointing a receiver of the assets of
27 the person or for a writ of ne exeat, or both.

28 L. The court, on receipt of an application for the appointment of a
29 receiver or for a writ of ne exeat, or both, shall examine the verified
30 application of the commissioner and other evidence that the commissioner may
31 present the court. If satisfied that the interests of the public require the
32 appointment of a receiver or the issuance of a writ of ne exeat without

1 notice, the court shall issue an order appointing the receiver or issue the
2 writ, or both. If the court determines that the interests of the public will
3 not be harmed by the giving of notice, the court shall set a time for a
4 hearing and require notice be given as the court deems satisfactory.

5 M. If the court appoints a receiver without notice, the court shall
6 further direct that a copy of the order appointing a receiver be served on
7 the person engaged in or engaging in a practice declared to be unlawful under
8 this article by delivering the order to the last address of the person that
9 is on file with the state real estate department. The order shall inform the
10 person that the person has the right to request a hearing within ten days of
11 the date of the order and, if requested, the hearing shall be held within
12 thirty days from the date of the order.

13 Sec. 6. Section 32-2183.05, Arizona Revised Statutes, is amended to
14 read:

15 32-2183.05. Military training route disclosure; military
16 electronics range disclosure; residential
17 property

18 A. Any public report that is issued after December 31, 2004 pursuant
19 to section 32-2183 or 32-2195.03 and that is applicable to property located
20 under a military training route, as delineated in the military training route
21 map prepared by the state land department pursuant to section 37-102, AND ANY
22 PUBLIC REPORT THAT IS ISSUED AFTER DECEMBER 31, 2008 AND THAT IS APPLICABLE
23 TO PROPERTY LOCATED IN A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE
24 MILITARY ELECTRONICS RANGE MAP PREPARED BY THE STATE LAND DEPARTMENT PURSUANT
25 TO SECTION 37-102, shall include the following statements:

26 1. The property is located under a military training route OR IN A
27 MILITARY ELECTRONICS RANGE.

28 2. The state land department and the state real estate department
29 maintain military training route maps AND MILITARY ELECTRONICS RANGE MAPS
30 available to the public.

31 3. The military training route map ~~is~~ AND MILITARY ELECTRONICS RANGE
32 MAP ARE posted on the state real estate department's ~~web-site~~ WEBSITE.

1 B. The public report prescribed by subsection A of this section may
2 contain a disclaimer that the subdivider has no control over the military
3 training routes as delineated in the military training route map or the
4 timing or frequency of flights and associated levels of noise AND HAS NO
5 CONTROL OVER THE MILITARY ELECTRONICS RANGE AND ITS TESTING AND TRAINING
6 OPERATIONS.

7 C. For any lot reservation or conditional sale that occurs before the
8 issuance of a public report, the disclosure statements listed in subsection A
9 of this section shall be included within the reservation document or
10 conditional sales contract.

11 D. This section does not require the amendment or reissuance of any
12 public report issued on or before December 31, 2004 OR ON OR BEFORE DECEMBER
13 31, 2008 or the amendment or reissuance of any reservation document or
14 conditional sales contract accepted on or before December 31, 2004 OR ON OR
15 BEFORE DECEMBER 31, 2008.

16 E. Notwithstanding any other law, if the public report complies with
17 subsection A of this section, a subdivider is not liable to any person or
18 governmental entity for any act or failure to act in connection with the
19 disclosure of a military training route as delineated in the military
20 training route map OR A MILITARY ELECTRONICS RANGE AS DELINEATED IN THE
21 MILITARY ELECTRONICS RANGE MAP.”

22 Renumber to conform

23 Page 5, line 24, strike “web site” insert “WEBSITE”

24 Lines 25 and 26, strike “THE SENSITIVE ELECTRONIC TESTING RANGE OF A MILITARY
25 BASE” insert “A MILITARY ELECTRONICS RANGE”

26 Page 6, after line 11, insert:

27 “Sec. 8. Section 37-102, Arizona Revised Statutes, is amended to read:
28 37-102. State land department: powers and duties

29 A. The state land department shall administer all laws relating to
30 lands owned by, belonging to and under the control of the state.

31 B. The department shall have charge and control of all lands owned by
32 the state, and timber, stone, gravel and other products of such lands, except

1 lands under the specific use and control of state institutions and the
2 products of such lands.

3 C. The department, in the name of the state, may commence, prosecute
4 and defend all actions and proceedings to protect the interest of the state
5 in lands within the state or the proceeds thereof. Actions shall be
6 commenced and prosecuted at the request of the department by the attorney
7 general, a county attorney or a special counsel under the direction of the
8 attorney general.

9 D. The department shall be the official representative of the state in
10 any communication between the state and the United States government in all
11 matters respecting state lands or any interest of the state in or to the
12 public lands within the state.

13 E. The summons in any action against the state respecting any lands of
14 the state or the products of such lands and all notices concerning such lands
15 or products shall be served upon the commissioner. Summonses, warrants or
16 legal notices served on behalf of the department may be served by the
17 commissioner or the commissioner's deputy, or by the sheriff or a constable
18 of any county of the state.

19 F. The department shall maintain as a public record in each of its
20 offices a public docket and index of all matters before the department which
21 may be subject to appeal to the board of appeals or to the courts and all
22 sale, exchange and lease transactions subject to bidding by the public. The
23 department shall list a matter on the public docket immediately after an
24 application or other request for department action is received by the
25 department. The department shall include in the public docket every formal
26 action and decision affecting each matter in question. The department shall
27 establish by rule a means by which any person may obtain a copy of the public
28 docket at the current copying cost.

29 G. The department shall reappraise or update its original appraisal of
30 property to be leased, exchanged or sold if the board of appeals' approval of
31 the lease or sale occurred more than one hundred eighty days before the
32 auction.

1 H. The state land department shall:

2 1. Prepare maps of the ancillary military facilities described in
3 section 28-8461, paragraph 7, subdivisions (b) and (c).

4 2. Make a map of the ancillary military facility described in section
5 28-8461, paragraph 7, subdivision (a) available to the public in printed or
6 electronic format and provide the map in printed or electronic format to the
7 state real estate department.

8 3. ON RECEIPT OF PROPER INFORMATION FROM THE MILITARY BASE COMMANDER
9 WITH RESPONSIBILITY FOR THE MILITARY ELECTRONICS RANGE, PREPARE A MAP OF THE
10 MILITARY ELECTRONICS RANGE AS DEFINED IN SECTION 9-500.28 AND MAKE THAT MAP
11 AVAILABLE TO THE PUBLIC IN PRINTED OR ELECTRONIC FORMAT AND PROVIDE THE MAP
12 IN PRINTED OR ELECTRONIC FORMAT TO THE STATE REAL ESTATE DEPARTMENT. ON
13 RECEIPT OF NOTICE OF ANY CHANGE IN THE BOUNDARIES OF THE MILITARY ELECTRONICS
14 RANGE FROM THE MILITARY BASE COMMANDER, THE STATE LAND DEPARTMENT SHALL
15 REVISE ITS MAP AND PROVIDE THE MAP TO THE PUBLIC AND TO THE STATE REAL ESTATE
16 DEPARTMENT.

17 I. The state land department shall provide each map and the legal
18 description of the boundaries of each ancillary military facility described
19 in section 28-8461, paragraph 7 in electronic format to the state real estate
20 department. Each map prepared by the state land department pursuant to this
21 section shall:

22 1. Describe the ancillary military facility, the territory in the
23 vicinity of the ancillary military facility and the high noise and accident
24 potential zone, accident potential zone one and accident potential zone two
25 associated with the ancillary military facility.

26 2. Be submitted to the county in which the ancillary military facility
27 is located.

28 3. Be made available in printed or electronic format to the public at
29 the state land department and at the state real estate department.

30 J. The state land department shall prepare a military training route
31 map. The map shall contain military training route numbers in this state
32 that are used by various United States armed forces. The map shall be dated.

1 K. When preparing the military training route map, the state land
2 department shall use information contained in the most current department of
3 defense publication that is entitled area planning military training routes
4 for North and South America.

5 L. The military training route map shall be made available in printed
6 or electronic format to the public at the state land department and at the
7 state real estate department.

8 M. Within ninety days after the department is notified of a change of
9 a military training route in this state, the department shall prepare a
10 revised military training route map. The map shall be dated and contain a
11 statement that the map supersedes all previously dated maps. The state land
12 department shall send the revised map to the state real estate department
13 electronically and shall also send an accompanying letter specifying the
14 military training route changes. The state land department shall send the
15 revised map and an accompanying letter specifying the military training route
16 changes to the municipalities affected by the changes and to all counties.

17 N. The department shall submit the military training route map
18 prepared pursuant to this section to the counties in either an electronic or
19 a printed format. The format shall be determined by the receiving county.

20 O. The state land department shall provide the legal description of
21 the boundaries of the military training routes as delineated in the military
22 training route map to the state real estate department in electronic format.

23 P. ~~Within ninety days after the effective date of this amendment to~~
24 ~~this section,~~ The state land department shall prepare a military restricted
25 airspace map. The map shall contain military restricted airspace in this
26 state that is used by various United States armed forces. The map shall be
27 dated.

28 Q. When preparing the military restricted airspace map, the state land
29 department shall use information contained in the most current department of
30 transportation publication that is entitled aeronautical chart.

1 R. The military restricted airspace map shall be made available in
2 printed or electronic format to the public at the state land department and
3 at the state real estate department.

4 S. Within ninety days after the department is notified of a change of
5 military restricted airspace in this state, the department shall prepare a
6 revised military restricted airspace map. The map shall be dated and contain
7 a statement that the map supersedes all previously dated maps. The state
8 land department shall send the revised map to the state real estate
9 department electronically and shall also send an accompanying letter
10 specifying the military restricted airspace changes. The state land
11 department shall send the revised map and an accompanying letter specifying
12 the military restricted airspace changes to the municipalities affected by
13 the changes and to all counties.

14 T. The department shall submit the military restricted airspace map
15 prepared pursuant to this section to the counties in either an electronic or
16 a printed format. The format shall be determined by the receiving county.

17 U. The state land department shall provide the legal description of
18 the boundaries of the military restricted airspace as delineated in the
19 military restricted airspace map to the state real estate department in
20 electronic format.”

21 Amend title to conform

2/22/08
12:41 PM
S: BB/jas